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UNCLAS ALMATY 002058

SIPDIS

DEPARTMENT FOR EUR/CACEN (JMUDGE), DRL/PHD (CKUCHTA-HELBLING); DRL/IRF (NHEWETT)

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [FAID](#) [KZ](#) [POLITICAL](#)

SUBJECT: KAZAKHSTAN: WORRISOME NATIONAL SECURITY, NGO

LEGISLATION MOVING FORWARD

REF: A) Almaty 1854, B) Almaty 1838, C) State 92206

¶11. (U) This cable contains an action request; see para. 7.

¶12. (SBU) Summary: Troubling legislation is progressing rapidly through Kazakhstan's Parliament. If adopted in its current form, the legislation would stifle civil society here, and roll back several fundamental freedoms. Although NGOs and political parties (including some that support the GOK) have roundly criticized the entire legislative package, Kazakhstani authorities do not appear to be heeding the warnings. On May 17, Ambassador Ordway also sent the Presidential Administration a letter that included our detailed critique of the legislation. Post requests that the Department raise these issues at the highest appropriate level with the Kazakhstani ambassador. End summary.

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National Security Amendments to Face Senate Vote  
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¶13. (SBU) National security amendments approved by the Mazhilis (lower house of parliament) in early May (ref A) are reportedly scheduled for their first reading in the Senate on June 9. The second reading is expected to be June ¶16. Unless the Mazhilis objects to any changes made by the Senate, the draft law would be considered adopted by the Parliament after the second reading and would go to the President for signature.

¶14. (SBU) Although some troubling provisions were dropped, namely the proposed extension of broad rights for procurators to shut down organizations and institutions, the draft amendments still contain restrictions on human rights that appear to contradict not only Kazakhstan's international commitments but also its own constitution. These include new registration requirements for religious groups, increased state control of religious education, broad leeway to deny registration of political parties, low thresholds for intercepting communications, unclear definition of prohibition of "propaganda activity," and broad financial disclosure requirements for NGOs and other non-commercial organizations.

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NGO Legislation on Track for June 8 Vote in Mazhilis  
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¶14. (SBU) A Mazhilis working group held meetings in Astana the week of May 23 to discuss two draft pieces of legislation related to NGOs and other non-commercial organizations (ref B). Many NGO representatives, including some U.S. assistance partners such as the Kazakhstan International Bureau for Human Rights, took part in the discussions and expressed alarm over the disastrous impact the legislation would have on civil society in Kazakhstan. Sergey Kiselyov of the pro-government Asar party chaired the working group and conveyed its findings to the Mazhilis Committee for Legislation and Judicial Reform on May 30. NGO contacts report that Kiselyov strove to give the appearance of inclusiveness in the working group meetings, but attempted to negate concerns raised by the NGOs. The Committee rejected all the working group's recommendations for redrafting the repressive provisions, as conveyed by Kiselyov, instead scheduling the legislation for a first reading on June 8.

¶15. (SBU) The National Commission on Democratization and Civil Society, which goes by the unfortunate Russian acronym NKVD, discussed the draft NGO legislation at its May 26 session. First Daughter and Asar leader Dariga Nazarbayeva called for the withdrawal of the legislation, arguing that it runs counter to administrative reforms aimed at reducing government control; would increase government pressure on NGOs even further; and would promote corruption among government bureaucrats. She argued that it was the job of law enforcement, not the Parliament, to ensure that international organizations do not interfere in Kazakhstan's internal affairs. NKVD chairman Bulat Utemuratov, also

chair of the Security Council, declined to approve an NKVD statement to this effect.

Actions to Date

16. (SBU) Post has conveyed concern over the national security amendments and NGOs meetings in numerous meetings with the MFA and Presidential Administration. The Ambassador wrote to Presidential Administration head Adilbek Dzhaksybekov on May 17 with detailed commentary on both packages of legislation. Ambassador Minikes delivered a statement on the Kazakhstani legislation at the May 19 OSCE Permanent Council. AID has established a working among implementing partners to share information and join forces in advocating against the laws.

17. (SBU) Action request: Post requests that the Department, at the highest appropriate level, make the following points with Ambassador Saudabayev:

-- The U.S. believes that this draft NGO legislation would be disastrous for Kazakhstan's political and social development, and should be withdrawn.  
-- Legal experts see the legislation as being based on the Uzbek model.  
-- The legislation appears to be set to move quickly, with the first reading in the Mazhilis scheduled for June 8. The Mazhilis has not taken concerns expressed by civil society representatives into account.  
-- National security amendments already under consideration in the Senate are likewise extremely disturbing, would limit civil liberties, and damage Kazakhstan's international reputation as a country of tolerance.  
-- Encourage you to make the inevitable impact of this legislation known to the highest levels of the GOK.  
-- This type of repressive legislation could threaten stability by limiting peaceful means of expression.  
-- Stability and NGOs building a democratic and prosperous Kazakhstan are not incompatible.

18. (U) Dushanbe minimize considered.

ASQUINO

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